

REMARKS

Claims 15 to 18 are pending. Claim 17 has been amended. Claims 19 to 21 have been canceled, without prejudice, after being withdrawn from consideration as directed to non-elected subject matter. Applicants reserve the right to file one or more continuing applications directed to the cancelled subject matter.

The specification has been amended to update the cross reference to related applications.

Statutory Double Patenting Rejection under 35 U.S.C. § 101

Claims 15-18 have been rejected under 35 U.S.C. 101 for double patenting over claims 1-4 of U.S. Patent No. 6,872,713.¹ However, the double patenting rejection is inconsistent with 35 U.S.C. §121 (and Manual of Patent Examining Procedure §804.01) which prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made as a reference against any divisional application. Here, the Patent Office previously restricted out the subject matter of claims 1-6 from the parent case (Group I in the restriction requirement), stating that such claims were distinct and independent from those prosecuted to allowance in the parent case, now U.S. Patent No. 6,872,713 (see Office Action mailed May 30, 2003 during prosecution of Application Serial No. 09/868,755). Applicants are currently pursuing the subject matter of Group I of the original restriction requirement. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

¹ The Office Action inadvertently cites claims 1-14 of U.S. Patent No. 6,782,713 in the rejection. U.S. Patent No. 6,782,713, while filed with 14 original claims, issued with 4 claims.

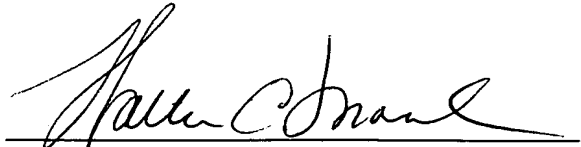
DOCKET NO.: JANS-0038/JAB1460DIV
Application No.: 10/752,057
Office Action Dated: December 14, 2006

PATENT

Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is requested respectfully.

Date: March 14, 2007

A handwritten signature in black ink, appearing to read "Walter C. Frank", written over a horizontal line.

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